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8 ATTORNEYS FOR CALVIN
R.X. DUNLAP

9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 * * *

12 CATHY WOODS (a/k/a ANITA CARTER),
by and through her Personal Representative,
13 LINDA WADE,

Case No. 3:16-cv-00494-MMD-CWH

14 Plaintiff,

15 vs.

STIPULATION TO CONDUCT
FRCP 35 EXAMINATION

16 CITY OF RENO, NEVADA, LAWRENCE C.
DENNISON, DONALD W. ASHLEY,
17 CLARENCE A. "JACKIE" LEWIS, and
CALVIN R.X. DUNLAP,
18

19 Defendants. _____/

20 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties hereto, by
21 and through their respective counsel, that Plaintiff Cathy Woods ("Plaintiff") will submit to a
22 psychiatric examination on July 15, 2019 and a psychological evaluation on August 2, 2019 at
23 9:00 am at the Cedarbrook Lodge located at 18525 36th Avenue South, Seattle, WA 98188. The
24 mental examination will be conducted by Dr. Ronald Roberts and the psychological evaluation
25 will be conducted by Dr. Charles Saldanha.

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1 **IT IS FURTHER STIPULATED** that the parties agree that under Federal Rule of Civil
2 Procedure 35 good cause currently exists for an examination of Plaintiff as it relates to his
3 allegations of mental and emotional injury and distress of a lasting and/or severe nature which
4 she contends was caused by Defendants in this action.

5 **IT IS FURTHER STIPULATED** that the nature, scope, conditions and manner of the
6 examination are to be as follows:

7 1. Plaintiff will submit to a mental examination to be conducted by Dr. Roberts, and a
8 psychological evaluation by Dr. Saldanha.

9 2. Ronald Roberts, PhD, earned his Ph.D. in Psychology at the California School of
10 Professional Psychology in Berkeley, in 1984. He completed his Fellowship in Neuropsychology
11 at the Veterans Administration Hospital in San Francisco in 1983. He became board certified in
12 Forensic Psychology by the American the American Board of Professional Psychology in 1994.
13 Dr. Roberts is specifically trained in the administration, scoring and interpretation of
14 psychological neurocognitive tests in both clinical and forensic populations. A complete copy of
15 Dr. Roberts' curriculum vitae is attached as Exhibit A.

16 3. Dr. Roberts will conduct a psychiatric examination of Plaintiff to assist Defendants and
17 their counsel with regard to understanding Plaintiff's alleged complaints of psychiatric injury
18 and, including the origin, nature, and severity of Plaintiff's alleged mental health injuries, and in
19 turn, prognosis and future treatment needs, if applicable.

20 4. Dr. Roberts will conduct specific tests\ : the Minnesota Multiphasic Personality
21 Inventory – 2 (MMPI-2), the Personality Assessment Inventory (PAI), a "projective" test, e.g.
22 the Rorschach Inkblot Test, and the Wechsler Adult Intelligence Scale, Fourth Edition (WAIS-
23 IV). The duration of the psychological testing will take approximately four to six (4-6) hours
24 excluding appropriate breaks; additional time will be allowed, if needed. Dr. Roberts reserves
25 the right to subtract tests in response to information that Dr. Roberts may receive about the
26 plaintiff, as well as based upon her performance during the assessment.

1 5. Dr. Saldanha will conduct a psychological evaluation of Plaintiff to evaluate the nature
2 and extent of Plaintiff's claims of mental and emotional distress. This evaluation will include the
3 taking of a complete personal history (including family, social, and environmental history), a
4 work history, a medical and psychiatric history including substance abuse history, if any, a
5 history of relationships and traumas and a detailed account of the events which the Plaintiff
6 claims was the cause of her alleged emotional damages. The interview will also include a mental
7 status examination to evaluate her mood, speech, thought processes, and other mental functions.

8 6. Neither evaluation will not involve any physical examination. There will be no blood
9 tests or other intrusive medical studies or procedures. The examination will be conducted at a
10 conference room at the Cedarbrook Lodge.

11 7. In conducting the interview and testing, neither Dr. Roberts nor Dr. Saldanha shall
12 inquire about subjects related to Plaintiff's allegations of liability against Defendants or the
13 underlying incidents giving rise to this action, including but not related to any questions about
14 Plaintiff's interactions with any medical staff at the LSU Medical Center on March 5, 6, 7, and 8
15 of 1979; any questions about the Michelle Mitchell homicide (and the investigations); Plaintiff's
16 knowledge or lack of knowledge about the underlying constitutional claims advanced in this suit;
17 or any other matter that relates to Plaintiff's constitutional allegations in the operative Complaint.
18 Notwithstanding these limitations, Dr. Saldanha will be entitled to ask about Plaintiff's claimed
19 emotional injuries stemming from her prosecution, conviction, time in custody, and any other
20 components of his emotional distress.

21 7. A copy of this Stipulation will be given to Dr. Roberts and Dr. Saldanha prior to
22 the examination, both of whom agree to be bound by this stipulation.

23 8. Dr. Roberts and Dr. Saldanha may be provided with Plaintiff's medical records,
24 deposition testimony, discovery responses, Complaint, and mental health records by defense
25 counsel, which they may review prior and/or subsequent to examination of Plaintiff.

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1 9. After the examination of Plaintiff, either Dr. Roberts or Dr. Saldanha will prepare
2 a written report of their findings in conformance with Federal Rule of Civil Procedure 35. A
3 copy of said report will be provided to Plaintiff's counsel within five days of completion. The
4 parties agree to make reasonable accommodations, if necessary, to the expert disclosure
5 schedule, including to allow the disclosure of the written report prepared by either Dr. Roberts or
6 Dr. Saldanha beyond the discovery cut-off as well as to account for any rebuttal or responsive
7 expert disclosure Plaintiff may disclose thereafter. The expert report generated by either Dr.
8 Roberts or Dr. Saldanha, and any rebuttal thereto, will not be used to support any dispositive
9 motion, and any accommodations made to the discovery schedule to allow for the examinations
10 described herein will not be used as a basis to alter the dispositive motion deadline.

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1 10. The results of the testing and interview will be used for purposes of litigation
2 only.

3 IT IS SO STIPULATED.

4 /s/ Elizabeth Wang 6/27/2019
Elizabeth Wang, Esq. Dated
5 Loevy & Loevy
2060 Broadway, Ste. 460
6 Boulder, CO 80302

7 David Owens, Esq.
Loevy & Loevy
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12 ATTORNEYS FOR CATHY WOODS

13 /s/ Edwin Byrd III 6/27/2019
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16 ATTORNEYS FOR CLARENCE LEWIS
17 AND DONALD ASHLEY

KARL HALL
Reno City Attorney

By:/s/ Mark A. Hughs 6/27/2019
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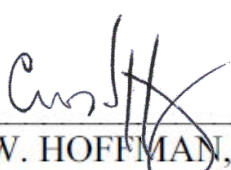
CHRISTOPHER J. HICKS
District Attorney

By: /s/ Michael W. Large 6/27/2019
MICHAEL W. LARGE Dated
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ATTORNEYS FOR WASHOE COUNTY
AND CALVIN R.X. DUNLAP

21 IT IS SO ORDERED.

22 DATED: Jul 01, 2019

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24 
25 C.W. HOFFMAN, JR.
26 UNITED STATES MAGISTRATE JUDGE

1 **CERTIFICATE OF SERVICE**

2 Pursuant to FRCP 5(b), I certify that I am an employee of the Office of the District
3 Attorney of Washoe County, over the age of 21 years and not a party to nor interested in the
4 within action. I certify that on this date, the foregoing was electronically filed with the United
5 States District Court. Electronic service of the foregoing STIPULATION TO CONDUCT
6 FRCP 35 EXAMINATION shall be made in accordance with the Master Service List as
7 follows:

8 Mark Hughs, Esquire

9 Joseph S. Woodley, Esquire

10 Katherine F. Parks, Esquire

11 Elizabeth C. Wang, Esquire

12 David B. Owens, Esquire

13 Edmund Gorman, Esquire

14 Edwin Henry Byrd, III, Esquire

15 Dated this 27th day June, 2019.

16 /s/ B. Bull
17 B. Bull